

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

BRAD TUKES,

Civil No. 05-1764 MJD/SRN

Petitioner,

v.

ORDER

D.O.O. Commissioner JOANN FABIN,  
Moose Lake Correctional A/W Warden  
HILLERAN, Warden TERRY CARLSON,  
Lt. MICHEALSON, STEVE CRUMP,  
Lt. SUBBLING, Lt. COTON, and  
Sgt. SPIESS,

Respondents.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated February 10, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's applications to proceed in forma pauperis, (Docket Nos. 3 and 9), is DENIED; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

DATED: March 16, 2006

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court Judge